

SB019_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture, Natural Resources, & Energy.SB13-019 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. Legislative declaration. (1) The general
4 assembly hereby:

5 (a) Finds that some water appropriators may wish to reduce their
6 water consumption, in part to ameliorate the effects of drought on low
7 stream flows, but there is a disincentive in current law that penalizes
8 appropriators who decrease their consumptive use of water;

9 (b) Determines that, at a time when Colorado can expect drought
10 conditions to increase in frequency and severity, the general assembly
11 should give appropriators a safe harbor when they decrease their
12 consumptive use of water by participating in a variety of
13 government-sponsored water conservation programs; and

14 (c) Declares that this act promotes the maximum utilization of
15 Colorado's water resources, can help alleviate the effects of drought on
16 river flows, and is in the public interest.

17 SECTION 2. In Colorado Revised Statutes, 37-92-305, add (3)
18 (c) as follows:

19 37-92-305. Standards with respect to rulings of the referee and
20 decisions of the water judge. (3) (c) IN DETERMINING THE AMOUNT OF
21 HISTORICAL CONSUMPTIVE USE FOR A WATER RIGHT IN DIVISION 3, 4, OR
22 5, THE WATER JUDGE SHALL NOT CONSIDER ANY DECREASE IN USE FOR THE
23 DURATION OF, AND RESULTING FROM, THE FOLLOWING:

24 (I) THE LAND ON WHICH THE WATER FROM THE WATER RIGHT HAS
25 BEEN HISTORICALLY APPLIED IS ENROLLED UNDER A FEDERAL LAND
26 CONSERVATION PROGRAM; OR

27 (II) THE NONUSE OR DECREASE IN USE OF THE WATER FROM THE
28 WATER RIGHT BY ITS OWNER IS A RESULT OF PARTICIPATION IN:

29 (A) A WATER CONSERVATION PROGRAM APPROVED BY A STATE
30 AGENCY, WATER CONSERVATION DISTRICT, WATER DISTRICT, WATER
31 AUTHORITY, OR WATER CONSERVANCY DISTRICT FOR LANDS THAT ARE
32 WITHIN THE ENTITY'S JURISDICTIONAL BOUNDARIES;

33 (B) A WATER CONSERVATION PROGRAM ESTABLISHED THROUGH
34 FORMAL WRITTEN ACTION OR ORDINANCE BY A WATER DISTRICT, WATER
35 AUTHORITY, OR MUNICIPALITY OR ITS MUNICIPAL WATER SUPPLIER FOR
36 LANDS THAT ARE WITHIN THE ENTITY'S JURISDICTIONAL BOUNDARIES;

37 (C) AN APPROVED LAND FALLOWING PROGRAM AS PROVIDED BY

1 LAW IN ORDER TO CONSERVE WATER OR TO PROVIDE WATER FOR COMPACT
2 COMPLIANCE; OR

3 (D) A WATER BANKING PROGRAM AS PROVIDED BY LAW.

4 **SECTION 3. Applicability.** This act applies to historical
5 consumptive use determinations made on or after the effective date of this
6 act.

7 **SECTION 4. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.".

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